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BY ECF & HAND DELIVERY

Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

March 26, 2024

Re: *In re Customs and Tax Administration of the Kingdom of Denmark
(Skatteforvaltningen) Tax Refund Scheme Litigation, 18-md-2865 (LAK)*¹

Dear Judge Kaplan:

We write on behalf of plaintiff Skatteforvaltningen (“SKAT”) to update the Court on the status of SKAT’s foreign proceedings and related criminal proceedings.

Dubai: On September 14, 2022, the Court of Appeal in Dubai entered judgment against Sanjay Shah and the other defendants in SKAT’s Dubai action, including Solo Capital and Ganymede, in the amount of 4,693,506,696.44 United Arab Emirates Dirham, approximately \$1.277 billion, plus interest. On May 16, 2023, the Court of Cassation rejected all appeals filed by the parties and accepted the Court of Appeal’s judgment as final and binding. Sanjay Shah and certain other defendants filed an application for reconsideration of the Court of Cassation’s judgment on November 2, 2023, which application was denied on December 5, 2023. There are no further appeals available to the defendants in SKAT’s Dubai action. Enclosed herewith as Exhibits 1, 2 and 3, respectively, are translations of the Court of Appeal’s September 14, 2022 judgment and the Court of Cassation’s May 16, 2023 judgment and December 5, 2023 decision. In addition, on December 6, 2023, Sanjay Shah was extradited from Dubai to Denmark to face criminal charges. Shah’s criminal trial has begun and is expected to continue into 2025.

Denmark: On November 20, 2023, the Supreme Court of Denmark entered judgment against the Danish law firm Bech-Bruun I/S in the amount of 400 million Danish Kroner, approximately \$58 million, plus interest, on SKAT’s claims against the firm based on advice the firm provided to the German North Channel Bank concerning its participation in the fraud on SKAT. North Channel Bank issued the fraudulent dividend credit advices that the defendants in two of the actions consolidated in this multi-district litigation submitted to SKAT. Enclosed herewith as Exhibit 4 is an unofficial translation of the Supreme Court’s judgment. As referenced by SKAT’s counsel at the January 10, 2024 court conference, the Supreme Court

1. This letter relates to all cases.

rejected the firm's contributory negligence and statute of limitations defenses, concluding that there were "no circumstances to justify Bech-Bruun's liability to lapse or be limited on grounds of contributory negligence or assumption of risk" and that the limitations period did not begin to run until SKAT was "aware or should have been aware that Bech-Bruun was responsible for causing the damage." (Ex. 4 at 21-22.) Further, all proceedings in Denmark arising from SKAT's revocations of its approvals of fraudulent dividend withholding tax refund claims have been resolved in SKAT's favor or withdrawn by the refund claimant.

On February 2, 2024, the District Court in Glostrup, Denmark found Guenther Klar, who controlled the custodian Salgado Capital that issued the fraudulent credit advices that defendants in two of these actions submitted to SKAT, guilty of criminal fraud of a particularly serious nature and sentenced him to six years imprisonment. And on March 1, 2024, Sanjay Shah's alleged accomplice Anthony Patterson was sentenced by the Glostrup District Court to eight years in prison after pleading guilty to defrauding SKAT. Enclosed herewith as Exhibit 5 and 6, respectively, are unofficial translations of the District Court's judgments with respect to Klar and Patterson.

England: Trial on SKAT's claims in its English action is scheduled to commence April 2024 and continue intermittently through March 2025. Further, on December 5, 2022, SKAT filed fraud claims against ED&F Man. And on February 2, 2024, the English High Court of Justice issued its decision, enclosed herewith as Exhibit 7, denying ED&F's application to strike SKAT's fraud claims. The claims against ED&F in England are proceeding on a different track than the claims scheduled for trial in April 2024.

Malaysia: Trial commenced on SKAT's Malaysian actions on December 12, 2022, and is expected to continue intermittently until the end of 2024 (though the precise end date for the trial is currently uncertain).

Respectfully submitted,

/s/ Marc A. Weinstein
Marc A. Weinstein

Enclosures

cc: all counsel of record, via ECF